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C O N F I D E N T I A L SECTION 01 OF 03 LAGOS 000439

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STATE FOR AF/W  
STATE FOR INR/AA  
STATE PASS OPIC FOR ZHAN AND MSTUCKART  
DOE FOR CAROLYN GAY  
WARSAW FOR LISA PIASCIK  
CIUDAD JUAREZ FOR DONNA BLAIR  
ISTANBUL FOR TASHAWNA SMITH  
SAO PAULO FOR ANDREW WITHERSPOON

E.O. 12958: DECL: 06/06/2017

TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [NI](#)

SUBJECT: ELECTION TRIBUNALS GET UNDERWAY IN SOUTHERN NIGERIA

REF: LAGOS 269

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Classified By: Consul Alan B. C. Latimer for reasons 1.4 (B) and (D)

11. (SBU) Summary: In several states of Southern Nigeria, the election tribunals are underway. The expectation is the tribunals will begin deciding cases in the next few months. The opposition hopes the recent independent decisions by the judiciary will continue in the election tribunals, and overturning even a few governorships will likely alleviate some of the frustration over the April election. However, observers predict greater difficulty for the judiciary if they attempt to invalidate any April election results. End summary.

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Election Tribunals Underway  
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12. (SBU) The inauguration now over, political attention turns to the election tribunals. Jide Omoworare, who is contesting the senatorial election in Osun State, told Polspec the tribunals will operate on a three-month deadline. Any appeals end at the federal appeal court, not the Supreme Court, Omoworare said. Whether this deadline applies to the state tribunals is uncertain. With the 30-day period of filing petitions already expired, some state tribunals have given the defendants a period of 21 days to assemble evidence.

13. (U) The following outlines some of the more notable gubernatorial election disputes in the Southern Nigeria region. The first category includes the elections in states which some observers think could possibly be overturned, and are likely to have particularly contentious tribunals with possible violence. The second category includes states with significant eligibility issues but with fewer expectations of an overturn. The third category includes states which merit attention for their importance or unique situation.

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Tribunal Headliners: Edo, Ondo, Ekiti  
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¶4. (SBU) In Edo State, Adams Oshiomhole, former president of the Nigeria Labor Congress and Action Congress (AC) gubernatorial candidate, is challenging PDP Governor Oserheimen Osunbor's victory in the state tribunal. Denja Yaqub, Oshiomhole confidant, told Poloff that Oshiomhole is challenging the PDP in Edo and Abuja, the Independent National Electoral Commission (INEC), and Osunbor. What makes the race unique is the high personal popularity of Oshiomhole arrayed against PDP's political domination of the state, personified by former Chairman of the PDP Board of Trustees Tony Anenih. Former President Obasanjo publicly declared it was his late wife Stella's wish that Osunbor become Governor, and the victory was widely seen as a favor to Anenih.

¶5. (U) In Ondo State, which experienced one of the highest levels of political violence during the gubernatorial elections, disruptions erupted anew on the inauguration of PDP incumbent Governor Olusegun Agagu. The arrest of Deputy Governor Omoware Oluwateru for stealing ballot boxes, and the death of the Ondo State Chief Security Officer (CSO) one day after his dismissal has kept the tension level high in the state. Labour Party (LP) candidate Olusegun Mimiko, who defected from the PDP prior to the election, claims irregularities in the election, particularly in the four riverine districts in South Ondo where the state's oil wealth comes from. Agagu, a former minister to Obasanjo, is still close to the former president, and any unfavorable decision will antagonize the now-PDP Chairman of the Board of Trustees.

¶6. (U) In Ekiti State, AC candidate Kayode Fayemi is attempting to overturn the election in Ekiti, asking the

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court to rerun elections in 11 Local Government Areas (LGA). Fayemi is represented by human rights lawyer Femi Falana, who is credited for his role in presenting the evidence to the Economic and Financial Crimes Commission (EFCC) that led to the impeachment of former PDP Governor Ayo Fayose.

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Disqualification Disputes: Anambra, Rivers, Imo  
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¶7. (SBU) Anambra State AC gubernatorial candidate Chris Ngige won a court order to contest the election, but he never made INEC's ballot on April 14, as INEC ignored the court order and declared PDP candidate Andy Uba the winner. In his petition, Ngige requests a new election. The Uba family, with powerful allies in business, media, and politics, is considered to have been behind the disqualification of Andy Uba's main opponents, and has long meddled in the affairs of the state. (Note: Anambra was the only state which saw the court overturn a gubernatorial result from the 2003 election. This was due in part to former Governor Peter Obi's persistence at the tribunal, but also as a result of a power struggle between Ngige and Anambra state strongman Chris Uba, Andy's brother. End note)

¶8. (SBU) In Imo State, All Progressives Grand Alliance (APGA) candidate Martin Agbaso is contesting the decision to invalidate the results of the April 14 gubernatorial election. INEC, citing political violence, invalidated the gubernatorial election result and ordered a new poll on April 28, but accepted the State assembly results. Agbaso claimed he won the April 14 election, but then lost the subsequent April 28 vote to People's Progressive Alliance (PPA) candidate Ikedi Ohakim. PDP candidate Ifeanyi Araraume, who had to get a court order to be reinstated on the ballot, is also petitioning to overturn the entire election on charges of rigging. (Note: Araraume was initially the favorite of INEC Chairman Maurice Iwu, an Imo native, but with the

agreement of the national PDP Governor Achike Udenwa swung the state vote machinery to support Agbaso on April 14. After Udenwa and Agbaso could not agree on a power sharing agreement, the machinery turned its results to support Ohakim. End note)

¶9. (C) Rivers State Governor Celestine Omehia is being challenged on two fronts. Rotimi Amaechi, outgoing speaker of the State House of Assembly, filed suit to prevent INEC from substituting his name with Omehia's, even though Amaechi won the party nomination. According to Labour Party candidate Ashley Emeninae, Amaechi's case was under consideration by the Federal High Court when the PDP expelled Amaechi from the party and INEC replaced Amaechi with Omehia on the ballot. Although the Supreme Court ordered the Court of Appeal to retry Amaechi's case, the lower court on May 26 requested a stay and "clarification" from the Supreme Court, which media sources interpreted to mean Omehia has swayed the court in his favor.

¶10. (U) In addition to internal party disputes, Omehia's claim to the governorship is being challenged by Action Congress candidate Prince Tonye Princewill, who is trying to "retrieve his stolen mandate." Princewill is rumored to lead the opposition parties at the state election tribunal, and is petitioning against Omehia, the PDP, INEC, and other government officials.

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Other Notable Contests: Abia,  
Delta, Akwa Ibom, Lagos  
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¶11. (U) Abia State Governor Theordore Orji received a last-minute court order granting him bail, allowing him to assume office. So as to not risk the PPA party losing the governorship, former Governor Kalu swore in Orji twice, on

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May 25 after his release and again on May 29 before the inauguration. Abia PDP gubernatorial candidate Onyema Ugochukwu and All Nigerian People's Party (ANPP) candidate Ikechi Emenike have both filed petitions asking to disqualify Orji on EFCC charges of corruption.

¶12. (U) Prince Chux Nwokoh, Fresh Democratic Party candidate in Delta State, may take Governor Emmanuel Uduaghan of the PDP to the state election tribunal. However, media reports suggest other opposition parties might accept Uduaghan's offer to join his administration rather than challenge his victory.

¶13. (U) In Akwa Ibom, Governor-elect Godswill Akpabio, the PDP, and INEC failed to appear before the state election tribunal to respond to the challenge brought by AC gubernatorial candidate James Iniama on May 23. Iniama, who filed a petition against these parties on May 14, is seeking the nullification of Akpabio's April 14 victory. When Akpabio failed to appear in court, the Chairman of the tribunal ordered a copy of the petition to be posted on the gate of Akpabio's residence.

¶14. (U) In Lagos, gubernatorial candidates Jimi Agbaje of the Democratic Progressive Alliance (DPA) and Musiliu Obanikoro of the PDP have filed petitions to overturn the Lagos election results. Agbaje is asking for a new election claiming that INEC's failure to include his photo on the ballot put the candidate at a disadvantage. However, the widespread opinion in Lagos is AC candidate Babatunde Fashola's victory largely reflected the will of the populace.

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Comment  
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¶15. (C) The lopsided gubernatorial results have left the opposition in little mood for compromise or to join a unity government. A few tribunal decisions reversing the election results would send a positive signal to those who have despaired about Nigeria's electoral future. However, powerful entrenched interests in each state, which have already manipulated the vote results in their favor, are unlikely to yield quickly to an unfavorable court decision. These interests are likely to use all the powers of incumbency to influence the courts. While the court's recent decisions in favor of petitioners against INEC have raised hopes, the decisions have concerned disqualifications. Any attempt to overturn an election on the basis of electoral malfeasance will likely encounter resistance. Electoral violence is possible in connection with the disputes, as a means of influencing the court decision or to express displeasure at an unfavorable ruling. End comment.

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